

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION INVITATION FOR BID

BID NO. "[[Click here and insert Bid Number](#)]"

Date: [[Click here and insert publication date or date of initial mail out](#)]

The California Department of Corrections and Rehabilitation (CDCR), [[Click and type Institution, Branch, Program, etc.](#)], hereafter referred to as the State, is inviting responses to this Invitation For Bid (IFB) entitled [[Click here and insert Title of Service](#)].

In accordance with the California Government Code and Americans with Disabilities Act, this IFB is available in a text-only format on a compact disc as a disability-related reasonable accommodation.

To discuss how to receive a copy of this IFB in the specified format or to request a different format, please contact the person identified below.

This IFB package contains the following documents (except as otherwise indicated). Please note that you must comply with the requirements contained in **all** of these documents.

- Notice to Prospective Bidders
- Bidder Acknowledgment/Certification (OBS 300)
- Bid Submittal Checklist
- Sample Standard Agreement (STD 213)
- Scope of Work (Exhibit A)
- Budget Details and Payment Provisions (Exhibit B)
- Rate Sheet (Exhibit B-1)
*Electronically downloaded bid package includes an Excel spreadsheet file in addition to the PDF version (for additional information, see Exhibit B-1, first paragraph). Bidders should include a compact disc of the completed Excel version on the Rate Sheet **along with the printed version when submitting their bid.***
- General Terms and Conditions (Exhibit C)
This document is incorporated in this bid package by reference only and is available on the Internet at [Department of General Services \(DGS\), Office of Legal Services \(OLS\) website](#) found in this link . If you do not have Internet access, you may request a hard copy of Exhibit C by contacting the contract analyst listed below.
- Special Terms and Conditions (Exhibit D)
- *Additional Provisions (Exhibit E)*
- *Definitions (Exhibit F)*
- *HIPAA Business Associates Agreement (Exhibit G)*
- *List of Participating Institutions (Exhibit H)*

- List of Regional Accounting Offices (Exhibit I)
- California State Institutions Map (Exhibit J)
- List of CDCR-Contracted Hospitals (Exhibit K)
- Standard Contractor Certification Clauses (CCC)
*This document is incorporated in this bid package by reference only and is available at the [DGS, OLS website](#) found in this link. You **MUST** submit an original signed copy with your bid package. If you do not have Internet access, you may request a hard copy of the CCC by contacting the contract analyst listed below.*
- Non-Collusion Affidavit (CDCR 1240)
- CDCR Additional Certification Clauses (OBS1200)
- Payee Data Record (STD 204)
- Non-Small Business Preference Request and Subcontractor Acknowledgement (OBS 555)
- Darfur Contracting Act (OBS 1500)
- Iran Contracting Act (OBS 1502)
- California Civil Rights Laws Certification (OBS 1510)
- Sample Certificate of Insurance
- California DVBE Program Requirements – For Goods and Information Technology
- California DVBE Program Requirements – Not for Goods and Information Technology
- California DVBE Bid Incentive Instructions – Selecting Incentive Option
- Bidder Declaration (GSPD-05-105)
- DVBE Declarations (STD 843)
- DVBE Bid Incentive Request and Acknowledgement (OBS 554)

NOTE: If your bid exceeds \$15,000, failure to submit the completed DVBE worksheets with your bid proposal will result in automatic rejection of your bid.

- Target Area Contract Preference Act (TACPA) form (STD 830)
- Bidder's Summary form (DGS/PD 526)
- Bidder's Security

It is the opinion of the State that this IFB is complete and without need of explanation. However, if any documents are missing, or if you have any questions regarding this IFB, immediately contact the person identified below.

[Click here and insert Name of Contract Analyst]
[Click here and insert Phone Number, including Area Code]
[Click here and insert e-mail address]
California Relay Service 1-800-735-2929

**THE STATE OF CALIFORNIA
Department of Corrections and Rehabilitation**

NOTICE TO PROSPECTIVE BIDDERS

[[Click here and insert Title of Service](#)]

Bid No. "[[Click here and insert Bid Number](#)]"

I. PROJECTED TIMETABLE

The following dates are set forth for informational and planning purposes only and are subject to change.

IFB Available to Prospective Bidders [[Click here and insert date](#)]

Letters of Inquiry [[Click here and insert final date to submit letter\(s\)](#)]

Notification of Intent to Participate [[Click here and insert date](#)]
in Bidders' Conference and/or Walk-Through

[[Click here and insert Mandatory or Optional](#)] Bidders'
Conference [[Click here and insert time/date](#)]
(additional information provided below)

[[Click here and insert Mandatory or Optional](#)] Walk-
Through [[Click here and insert time/date](#)]
(additional information provided below)

Submission of Bid [[Click here and insert time/date](#)]

Public Bid Opening [[Click here and insert time/date](#)]

Anticipated Date for Commencement of Services [[Click here and insert date](#)]

Termination of Agreement [[Click here and insert date](#)]

II. FUNDING

Under PCC Section 12112, until final delivery and acceptance of **information technology goods or services**, the CDCR is authorized to withhold less than 10 percent of the contract price, but in no event, less than 5 percent of the contract price for contracts equal to \$10,000,000 or greater, or less than 3 percent of the contract price for contracts less than \$10,000,000, if the CDCR determines that the lesser withholding level is appropriate based upon the evaluation risk performed by the CDCR in consultation with the Department of Finance and pursuant to specified criteria.

The State estimates that the total amount of this Agreement shall not exceed [Click here and insert \$ amount] .

CDCR reserves the right to augment the Agreement dollar amount by [Click here and insert percent (i.e., 50 percent)] .

III. **BIDDER QUALIFICATIONS AND LICENSING REQUIREMENTS**

Bidder qualifications and licensing requirements (if any) are specified below and/or in Exhibit A. Unless otherwise stated, the bidder shall meet all qualifications and licensing requirements at the time of the bid opening.

Bidder shall be licensed to practice medicine in the State of Oregon as defined in Oregon Statutes, Chapter 677, Regulation of Medicine, Podiatry and Acupuncture, and possess a valid Physician license as issued by the Oregon Board of Medical Examiners.

Bidder shall be licensed to practice medicine in the State of Nevada as defined in Nevada Revised Statutes, Chapter 630, Physicians, Physician Assistants and Practitioners of Respiratory Care, and possess a valid Physician license as issued by the Nevada Board of Medical Examiners.

If services are provided in California, bidder shall be licensed to practice medicine in the State of California as defined in the Medical Practice Act, Chapter 5, commencing with Section 2000 of the Business and Professions Code, and possess a valid Physician license as issued by the Medical Board of California.

Bidder shall have on staff physician(s) licensed to practice medicine in the State of Oregon as defined Oregon Statutes (ORS) Chapter 58, and possess a valid Physician license as issued by the Oregon Board of Medical Examiners, in accordance with ORS Oregon Statutes, Chapter 677, Regulation of Medicine, Podiatry and Acupuncture.

Bidder shall have on staff physician(s) licensed to practice medicine in the State of Nevada as defined in Nevada Revised Statutes (NRS), Chapter 89, and possess a valid Physician license as issued by the Nevada Board of Medical Examiners in accordance with NRS Chapter 630, Physicians, Physician Assistants and Practitioners of Respiratory Care.

If services are provided in California, bidder shall have on staff physician(s) licensed to practice medicine in the State of California as defined in the Medical Practice Act, Chapter 5, commencing with Section 2000 of the Business and Professions Code, and possess a valid Physician license as issued by the Medical Board of California.

Bidder's security of bid bond, cash, cashier's check or certified check in the amount of at least 10 percent of the base bid must accompany this proposal. If bid bond is used as security, it is to be executed on the appropriate form attached to this proposal. The bond must be executed by an admitted surety insurer.

IV. PROHIBITION ON TAX DELINQUENTS

Persons or companies identified as the largest tax delinquents by the Franchise Tax Board (FTB) or the Board of Equalization (BOE) under authority of Sections 7063 or 19195 of the Revenue and Taxation Code, shall be disqualified from the bidding process.

Pursuant to PCC §10295.4, contracts are void and unenforceable if a Contractor is included on tax delinquency lists.

(a) Notwithstanding any other law, a state agency shall not enter into any contract for the acquisition of goods or services with a contractor whose name appears on either list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code. Any contract entered into in violation of this subdivision is void and unenforceable.

(b) This section shall apply to any contract executed on or after July 1, 2012.

V. BIDDER RESPONSIBILITIES & THE BID PACKAGE

Bidders are solely responsible for understanding the scope of work and all requirements, terms, conditions, evaluation criteria, etc., before submitting a bid. If the language is unclear or ambiguous, it is the bidder's responsibility to request clarification or assistance before submitting a bid. Please note that no verbal information will be binding upon the State unless the State issues such information in writing as an official addendum. If the IFB is modified prior to the final bid submission date, the State will issue an addendum to all bidders that received a bid package.

Bidder shall provide rate(s) on Rate Sheet (Exhibit B-1) and a copy of the Contractor's Published Price List. Bidder shall set forth rates in clear, legible figures in the spaces provided in Exhibit B-1. Failure to provide the required rates shall be cause for rejection of your bid.

NOTE:

1. Any quantities listed on Exhibit B-1 are CDCR's estimates only and are offered as a basis for the comparison of bids. The State does not expressly or by implication agree that the actual amount of work will correspond therewith and reserves the right to omit portions of the work as may be deemed necessary or advisable by the State.
2. In the case of a discrepancy between the Unit Price (e.g., Hourly Rate, Cost per Service) and Item Total (e.g., Hourly Rate x Hours Worked = Item Total), the Unit Price shall prevail. However, if the Unit Price figure is ambiguous, illegible, uncertain, or is omitted, the Item Total shall be divided by the estimated usage (e.g., Hours Worked) to determine the Unit Price. In the case of a discrepancy between the Basis of Award and the sum of the Item Totals, the sum of the Item Totals shall prevail.
3. The amount of the total bid will be rounded up to the nearest whole dollar when the Agreement documents resulting from this bid are prepared.

4. CDCR reserves the right to include additional institution(s) or delete institution(s), which no longer require this service. The additional institution(s) will be included in the appropriate Institution Group and the bid rate for that group shall apply.

A lump sum total for all services stated herein must be entered on Exhibit B-1 Rate Sheet. Bidder shall set forth rates in clear, legible figures in the spaces provided in Exhibit B-1. Failure to provide the required lump sum total shall be cause for rejection of your bid.

All required documents listed in the Bid Submittal Checklist must be included within the sealed bid package. No bid will be considered unless it is submitted with the CDCR Bidder Acknowledgement/Certification form (OBS 300) and Exhibit B-1 Rate Sheet and is in conformance with the submission requirements of this IFB. Additionally, an original, signed copy of all pages of the Contractor Certification Clause (CCC) must be submitted to CDCR with the completed bid package. The State reserves the right to request clarification of any documents included with this bid.

The bid must be for the entire activity described herein. The State does not accept alternate contract language from a prospective Contractor. A bid with such language will be considered a counter proposal and will be rejected. Additionally, bids may be rejected if the bid proposal shows any alterations of form, additions not called for, a conditioned or incomplete bid, or erasures and/or irregularities of any kind. Any bid amounts changed after the amounts are originally inserted **MUST** be initialed in ink by the bidder.

Failure to submit required documentation may result in the rejection of your bid.

VI. **BID SUBMITTAL**

Sealed bids must be received no later than the time and date specified in the Projected Timetable (Section I of these instructions) at the designated address stated below.

MAIL DELIVERY,
HAND DELIVERY,
or
OVERNIGHT MAIL:

California Department of Corrections and Rehabilitation
Office of Business Services, Contracts Management Branch
Attention: [[Click here and insert Contact Person Name](#)]
9838 Old Placerville Road, Suite B-2
Sacramento, CA 95827

Any bid received at the above address after the Submission of Bid date and time specified in the Projected Timetable, Section I, will **NOT** be considered. It is the State's policy to make every effort to ensure that all bids have been received and properly time stamped; however, bidders are ultimately responsible for ensuring timely receipt of their bid. Bidders may verify receipt of their bid by contacting the person identified in the cover letter of this IFB prior to the Public Bid Opening.

Bids that are not properly marked may be disregarded. All completed bids and required documents shall be packaged and submitted in a sealed envelope to the address specified in the section entitled "Bid Submission Requirements". The sealed envelope must be clearly marked "BID FOR [[Click here and insert Title of Service](#)] - BID NO. "[[Click here and insert Bid Number](#)]" Attention: [[Click here and insert Contract Analyst](#)]

- DO NOT OPEN." Failure to do so may result in the premature opening of, or failure to open, your bid.

In submitting a bid, the bidder accepts the terms and conditions expressed herein. Costs incurred for developing bids and in anticipation of award of the Agreement are the responsibility of the bidder and shall not be charged to the State.

A bidder may modify a bid after its submission by withdrawing the original bid and resubmitting a new bid prior to the bid submission deadline. Bidder modifications offered in any other manner, oral or written, will not be considered.

A bid may be withdrawn from consideration by submitting a written withdrawal request to the State, signed by the bidder or an authorized agent. Once opened by the State, the submitted bid is binding and may not be withdrawn without cause.

All documents submitted in response to this IFB will become the property of the State and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.

VII. LETTERS OF INQUIRY

The purpose of these letters is to provide bidders the opportunity to ask questions and/or provide feedback to CDCR on the specifics of the IFB and/or DVBE requirements. While some input may be incorporated into the IFB, remarks and explanations submitted may not necessarily change provisions of the IFB. Any modifications to the IFB as a result of these inquiries will be documented by an addendum and forwarded to all bidders.

Prior to the [[Click and type Bidders' Conference, and/or Walk-Through](#)], it is requested that any inquiries related to the specifics of the IFB and/or DVBE requirements, if applicable, be submitted in writing to allow CDCR time to research and prepare a response. Bidders will still, however, have the opportunity to ask questions at the [[Click and type Bidders' Conference, and/or Walk-Through](#)]. Submit your letter of inquiry by [[Click here and insert date](#)] directly to [[Click here and insert Name of Contract Analyst](#)], Contracts Management Branch, by any of the following:

Mail: 9838 Old Placerville Road, Suite B-2
Sacramento, CA 95827

FAX: (916) 255-6187

E-mail: [[Click here and insert e-mail address](#)].

Any letters of inquiry must be submitted in writing to allow CDCR time to research and prepare a response. Submit your letter of inquiry by [[Click here and insert date](#)] directly to [[Click here and insert Name of Contract Analyst](#)], Contracts Management Branch, by any of the following:

Mail: 9838 Old Placerville Road, Suite B-2
Sacramento, CA 95827

FAX: (916) 255-6187

E-mail: [Click here and insert e-mail address]

Inquiries received after this date will only be addressed at CDCR's discretion.

VIII. BIDDERS' CONFERENCE AND/OR WALK-THROUGH

Notification of Intent to Participate in Bidders' Conference and/or Walk-Through

Bidders and/or their representative(s) planning to attend the bidders' conference and/or walk-through held on institution grounds must provide their driver's license or DMV identification card number, date of birth, and complete name to secure a Gate Clearance for admittance. Please contact [Click here and insert name of contact person] at [Click here and insert phone number including area code] by "[Click here and insert date specified in Section I - Projected Timetable"] to arrange for your participation in the [Click here and insert "mandatory" or "optional"] bidders' conference.

Any interested bidder or bidder's representative who requires reasonable accommodation to participate in the [Click and type Bidders' Conference, and/or Walk-Through] must contact the contract analyst identified in this package two (2) weeks before the scheduled [Click and type Bidders' Conference, and/or Walk-Through] to identify what reasonable accommodation(s) is required.

At the time of attendance at the **bidders' conference and/or walk-through**, bidders and/or their representatives will be required to bring their driver's license or state DMV identification card to be admitted onto institution grounds.

NOTE: Bidders and/or their representatives will not be admitted onto institution grounds unless professionally and appropriately dressed in clothing distinct from that worn by inmates at the institution. Specifically, blue denim pants and blue chambray shirts, orange/red/yellow/white/chartreuse clothing and/or yellow rainwear shall not be worn onto institution grounds. Contractors should contact the institution regarding clothing restrictions before any planned visit(s) to the institution to ensure the Contractor and/or their representatives are in compliance.

Additionally, electronic and communication devices such as pagers, cell phones, cameras/micro-cameras, and/or sound recording devices are not permitted on institution grounds and must be left in the bidder's and/or their representative's locked vehicle.

[Click here and insert "Mandatory" OR "Optional"] Bidders' Conference

NOTE: ATTENDANCE AT THIS CONFERENCE IS MANDATORY. ANY BIDDER INTENDING TO SUBMIT A BID MUST EITHER ATTEND OR SEND A REPRESENTATIVE TO THE BIDDERS' CONFERENCE. FAILURE TO ATTEND OR PROVIDE REPRESENTATION WILL RESULT IN THE BIDDER'S ELIMINATION FROM THE BIDDING PROCESS.

The [Click here and insert "mandatory" or "optional"] bidders' conference will be held at [Click here and insert time and location including room number] on the date specified in the Projected Timetable Section I

[Click here and insert date specified in Section I - Projected Timetable] .. The purpose of this conference is to provide bidders an opportunity to ask questions and/or offer feedback to the State on the specifics of the IFB and/or DVBE requirements, if applicable. The provisions of the IFB are binding, regardless of remarks and/or explanations made at the conference/walk-through. Some input obtained at the conference/walk-through may be incorporated into the IFB. Modifications to the IFB will be documented in an addendum and forwarded to all bidders. Any deviation from the specifications not documented in an addendum will not be considered and will be cause for rejection of the bid.

[Click here and insert "Mandatory" OR "Optional"] Walk-Through

NOTE: PARTICIPATION IN THE WALK-THROUGH IS MANDATORY. ANY BIDDER INTENDING TO SUBMIT A BID MUST EITHER ATTEND OR SEND A REPRESENTATIVE TO THE WALK-THROUGH. FAILURE TO ATTEND OR PROVIDE REPRESENTATION WILL RESULT IN THE BIDDER'S ELIMINATION FROM THE BIDDING PROCESS.

The [Click here and insert "mandatory" or "optional"] walk-through will be held at [Click here and insert time and location including room number] on [Click here and insert date specified in Section I - Project Timetable] . The purpose of this walk-through is to provide bidders an opportunity to examine the work site before bidding in order to have full knowledge of the area(s) and/or specific equipment affecting the work that may not be specifically described herein.

Specific questions during the walk-through should be limited to the work site. Actual questions regarding the [Click here and insert Scope of Work or Plans and Specifications] and/or Terms and Conditions of the IFB should be directed to the contact person identified in the cover letter of this IFB.

IX. PUBLIC BID OPENING

If you are planning to attend the public bid opening, you must notify the contact person listed in the cover letter of this IFB [Click here and insert number of days, e.g., ten (10)] working days before the bid opening date specified in Section I – Projected Timetable. If you and/or your representative require reasonable accommodation to participate in the Public Bid Opening, you must contact the contract analyst identified in this package and identify what reasonable accommodation(s) is required for you to participate.

At the time of the public bid opening, the dollar amount of each bid shall be read. The contract award is subject to a complete review of the entire bid proposal for compliance and adherence to the IFB requirements, verification of all calculations and claimed preferences, and compliance with DVBE Mandatory participation requirements, if applicable.

X. NONRESPONSIBLE BIDDER

If a previous Agreement with a prospective bidder was terminated for cause, the State reserves the right to hold a responsibility hearing before awarding the Agreement to

determine if the bidder is responsible. The bid may be rejected if the State deems, at the conclusion of the responsibility hearing, that the bidder is not responsible.

Any Contractor who has been terminated from an Agreement by the State within the last two (2) fiscal years due to poor performance may be rejected on the basis of nonresponsibility.

XI. BASIS FOR AWARD

The award of an Agreement, if it is to be awarded, will be made to the lowest responsible bidder whose bid complies with all requirements prescribed herein. In the event a bidder submits more than one (1) bid for the same institution/service under this bid process, the State shall select the lowest bid and reject all other bids from this bidder.

In the event of tie bids, except as provided in Government Code §14838(f), CDCR reserves the right to determine the bidder entitled to the contract award based on the percent of discount specified in Exhibit B-1, if applicable. If not applicable or if there is a discount tie, a coin toss or lot drawing will be used to determine the bidder entitled to the contract award. The coin toss or lot drawing will be officially witnessed and all affected bidders will be advised of the tiebreaker method and invited to attend.

The State is not required to award an Agreement and reserves the right to reject any and all bids and to waive any immaterial deviations in the bid. The State's waiver of an immaterial deviation shall in no way modify the IFB document or excuse the bidder from full compliance with all requirements if awarded the Agreement.

The State intends to award one or more Agreements to the lowest responsible bidder(s). The State reserves the right to award either 1) one Agreement for all institutions specified herein, 2) one Agreement per geographic group, e.g., Deuel Vocational Institute (DVI), Mule Creek State Prison (MCSP) and Sierra Conservation Center (SCC), or 3) one Agreement per institution. This determination will be based on what is in the best interests of the State.

Bidders may submit bids for any and all institutions. If a bidder is the lowest bidder for more than one institution, all of the institutions awarded to that bidder will be incorporated into one Agreement.

Bidders may submit bids for any and all Groups as specified in the Rate Sheet (Exhibit B-1) services. If a bidder is the lowest bidder for more than one Group(s), all of the Group(s) awarded to that bidder will be incorporated into one Agreement. The State reserves the right to remove Groupings that are not awarded in Exhibit B-1.

The State reserves the right to award multiple Agreements for backup purposes. When services are needed, the "primary" Contractor, defined as the lowest responsible bidder, will be contacted first. IF and ONLY IF, the primary Contractor is unable to provide services, the "secondary" Contractor, defined as the second lowest responsible bidder, will be contacted. This process will be repeated based on the number of Agreements awarded and will take place each time the institution contacts the Contractor to provide services.

The State intends to award as many Agreements as are necessary for backup purposes. Each Agreement will have a separate Agreement number and include all of the information contained in the bid document for the institutions awarded to that Contractor.

Contractors with multiple Agreements on subsequent bids for the same service(s) at the same institution(s) shall be obligated to provide service(s) at the rate(s) specified in the Contractor's primary Agreement (i.e., the Agreement first bid) until all obligations under that Agreement (e.g., number of hours) are satisfied before the rate(s) in any subsequent Agreement(s) can be used. The only exception to this provision occurs when the rate(s) in a subsequent Agreement is lower than those of the primary Agreement; the state then has the sole right to determine which rate(s) will be applied.

XII. PROTEST AWARD

Information regarding the protest of an award may be found by going to [State Contracting Manual, Volume 1](#) found in this link, Chapter 6: Contract Award Protests.

A protest to this bid must adhere to Public Contract Code (PCC) Section 10345.

The envelope containing the written protest must clearly state: **"Protest Concerning IFB Number XXXXX for the California Department of Corrections and Rehabilitation"**. Protests **MUST** be filed with:

ORIGINAL	COPY
HAND OR MAIL DELIVERY Department of General Services Office of Legal Services Attn: Protest Coordinator 707 Third Street, 7 th Floor West Sacramento, CA 95605	HAND OR MAIL DELIVERY Department of Corrections and Rehabilitation Office of Business Services Contracts Management Branch 9838 Old Placerville Road, Suite B-2 Sacramento, CA 95827

XIII. GENERAL PREVAILING RATE OF WAGES

In accordance with the provisions of Section 1774 of the California Labor Code, the Contractor and any subcontractors shall conform to the general prevailing rate of wages as determined by the Director of the Department of Industrial Relations. Copies of the wage rate determinations or any amendments thereto issued by the Director of the Department of Industrial Relations are on file with CDCR.

XIV. PUBLIC WORKS CONTRACTOR REGISTRATION PROGRAM

The California Legislature has imposed a new registration requirement for contractors and subcontractors involved with public works projects. Senate Bill 854, passed in late June 2014, implemented a new registration program to fund the Department of Industrial Relations' (DIR) monitoring and enforcement of prevailing wage laws.

Pursuant to Labor Code §1771.4, which imposes additional requirements when bidding and awarding public works contracts:

- (1) This project is subject to compliance monitoring and enforcement by the DIR.

- (2) The Department shall post or require the prime contractor to post job site notices, as prescribed by regulation.
- (3) Each contractor and subcontractor shall furnish the records specified in Labor Code §1776 directly to the Labor Commissioner, in the following manner:
 - (A) At least monthly or more frequently if specified in the contract with the awarding body.
 - (B) In a format prescribed by the Labor Commissioner.
- (4) The Department shall undertake those activities it deems necessary to monitor and enforce compliance with prevailing wage requirements. Contractor shall cooperate with the Department by providing such information as the Department may request to ensure the Contractor's compliance with this law.
- (5) No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the DIR pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
- (6) No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the DIR pursuant to Labor Code section 1725.5.
- (7) The contractor shall submit proof of registration with DIR to CDCR with bid proposal. The contractor shall be responsible to ensure all subcontractors are registered with DIR.

XV. AGREEMENT EXECUTION

The Agreement will be executed only upon the State's acceptance of the Contractor's certificates of insurance, bonds, licenses, and permits, when such items are required. Should the Contractor fail to commence work at the agreed-upon date and time, the State, upon five (5) days written notice to the Contractor, reserves the right to terminate the Agreement.

The successful bidder shall enter into an Agreement with the State, which will be prepared on a State of California Standard Agreement (STD 213 form, sample attached) and shall include from this IFB Exhibits A, **A-1**, B, B-1, D, **and E, F, G, H, I, J, and K.**

This Agreement will not include a hard copy of the General Terms and Conditions for Private Contractors (Exhibit C), which is incorporated into the Agreement by reference only on the STD 213. Also not provided is a hard copy of the Contractor Certification Clauses (CCC). Exhibit C and the CCC may be downloaded from the Internet at [Department of General Services, Office of Legal Services website](#) found in this link and printed for your files. An original, signed copy of all pages of the CCC must be submitted to CDCR. Failure to submit a signed CCC may result in rejection of your bid.

Two (2) copies of the STD 213 have been included in this package. Complete each copy of the STD 213 by providing the following information in the "Contractor" section of the form:

- Contractor's Legal Business Name, stating whether it is a corporation or partnership if not an individual
- Original signature
- Date signed
- Name and Title of person authorized to sign the STD 213
- Business Street Address, including City, State and Zip Code, and telephone number.

Both copies of the completed STD 213 must be returned with your bid.

The bidder hereby authorizes the State to insert the "basis for award" amount of the bid proposal on the STD 213., the corresponding Agreement number and the order of award, i.e., primary, secondary, etc. In addition, bidder information will be inserted on Exhibit G, HIPAA (not applicable to registries). The amount will be rounded up to the nearest whole dollar and an additional amount may be added to cover contingency fees. This will be the total amount of the Agreement.

After award, two (2) original Standard Agreements will be forwarded to the Contractor for signature. Upon receipt, the Contractor must sign each Agreement with an original signature and return all Agreements with any required documentation in accordance with the time frame specified in the transmittal letter. In the event the State has not received the signed Agreements and the required documentation within the specified time frame, the award may be rescinded and awarded to the next lowest responsible bidder.

This Agreement is not valid unless and until approved by the Department of General Services, or, under its authority CDCR. The State has no legal obligation unless and until the Agreement is approved. Any work commenced by the Contractor prior to approval may be considered voluntary and the Contractor may have to pursue claim for payment by filing with the California Victim Compensation Board. When the Agreement is fully approved, a copy will be forwarded to you.

XVI. EXTENSION OF TERM

This Agreement may be amended to extend the term, if it is determined to be in the best interest of the State. Upon signing the amendment, Contractor hereby agrees to provide services for the extended period at the rates specified in the original Agreement.

XVII. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM

NOTE: Bidders need to begin the required DVBE participation process as soon as possible to allow adequate response time for DVBE participants.

- a. DVBE participation of no less than 3 percent is mandatory for all bids exceeding \$15,000. These requirements apply whether conducting business as a for-profit or nonprofit individual, partnership or corporation. In order to be deemed responsive and eligible for award of the Agreement, the bidder must attain the prescribed goals.

For more information, bidders have been provided with a DVBE Program Requirements resource packet. Additionally, to document DVBE participation, bidders must complete and return the Bidder Declaration form (GSPD-05-105) and the DVBE Declarations form (STD 843) attached to this IFB. Failure to complete

and submit all required forms with the bid, that fully document and meet the DVBE requirement, will cause the bid to be rejected.

- b. The DVBE participation goals must be based on the total amount of the bid proposal.
- c. Failure to submit the completed worksheets with the bid proposal will result in automatic rejection of your bid. Your bid will also be rejected if the DVBE requirement is not met.
- d. Proof of Department of General Services (DGS) DVBE certification for your firm and/or subcontractors must be submitted with your DVBE Participation Worksheets.
- e. CDCR's contact for this bid is:

[[Click here and insert Name of Contract Analyst](#)]
[[Click here and insert Phone Number, including Area Code](#)]
[[Click here and insert e-mail address](#)]
California Relay Service 1-800-735-2929

This IFB is exempt from the DVBE requirement. However, the State is committed to achieving legislatively established goals for the participation of DVBEs in all state contracting and seeks to use certified DVBE business whenever possible. Therefore, the State requests your voluntary participation in reporting any certified DVBEs, including yourself, that will be used in the performance of this Agreement.

XVIII. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) INCENTIVE

CDCR is committed to meeting and exceeding the 3 percent goal for Disabled Veteran Business Enterprise (DVBE) participation in State contracting activities, set forth in Military and Veterans Code 999. The DVBE Incentive Program applies to all contracting activities for services including public works, construction, services, leasing, materials testing, and other related contracts. The DVBE incentive is applied during the evaluation process and is only applied to responsive bids from responsible bidders proposing DVBE participation. This incentive is for bid computation only.

To be eligible for the DVBE incentive, the business must:

1. Complete DVBE Incentive Request and Subcontractor Acknowledgement form (OBS 554) and submit with bid proposal.
2. Have a completed DVBE application on file with DGS, Office of Small Business and DVBE Services (OSDS) by 5:00 p.m. on the date bids are due.

For certification and preference approval process information, contact the DGS OSDS by telephone at (916) 375-4940 or access the [DGS OSDS Internet website](#) found in this link.

Award Based on Low Price

The incentive shall be equal to a bidder's DVBE participation level (rounded to the nearest two decimal places).

DVBE PARTICIPATION LEVEL	INCENTIVE APPLIED
1.0 - 1.99%	1%
2.0 UP TO 2.99%	2%
3.0 UP TO 3.99%	3%
4.0 UP TO 4.99%	4%
5.0 UP TO 5.99%	5%

1. The incentive is subject to a minimum of one percent (1%) and a maximum of five percent (5%) and will not exceed \$500,000. Bids with DVBE participation of more than five (5%) percent will be calculated with a five percent (5%) incentive.
2. Bidders with DVBE participation of less than the required percentage listed in the solicitation will be deemed non-responsive and eliminated from any further participation.
3. The Small Business Preference (five percent (5%) up to \$50,000) may be combined with the DVBE incentive but will not exceed a combined total of \$500,000.
4. The DVBE incentive is computed from the lowest responsive and responsible bid price.

Award Based on High Score

The DVBE Incentive will be awarded based on the guidelines below:

1. Bidders with DVBE participation of less than the required percentage listed in the solicitation will be deemed non-responsive and eliminated from any further consideration.
2. Application of the Incentive is based on the High Score Method. The Incentive shall not exceed 5 percent, nor be less than 1 percent of the total possible available points, not including points for socioeconomic incentives or preferences. (CCR 1896.99.120(b))
3. Incentive points are included in the sum of non-cost points.
4. Incentive points cannot be used to achieve any applicable minimum point requirements.
5. Incentive points are deemed a desirable administrative requirement awarded based on amount of participation.

EXAMPLE: High Score Method

Available points example using a sliding scale:

200 points – Administrative

400 points – Technical

600 points – Cost

1200 points Total

Possible Maximum of 60 points for DVBE Incentive calculated as follows:

DVBE PARTICIPATION LEVEL	POSSIBLE POINTS CALCULATION
1.0 - 1.99%	1% x 1200=12
2.0 UP TO 2.99%	2% x 1200=24
3.0 UP TO 3.99%	3% x 1200=36
4.0 UP TO 4.99%	4% x 1200=48
5.0 UP TO 5.99%	5% x 1200=60

IT Services

1. The incentive shall be equal to a bidder's DVBE participation level; the percentage of participation, however, is not rounded. The amount is truncated to no more than the second decimal place
2. The DVBE incentive cannot exceed five percent (5%) or \$100,000, whichever is less.
3. When combining the incentive with a preference amount (i.e. Small Business Preference), the cumulative adjustment cannot exceed \$100,000.

XIX. SMALL BUSINESS PREFERENCE PROGRAM

Current law encourages state departments to first consider a Small Business (S/B) Enterprise / Microbusiness (M/B) Enterprise for contracting opportunities. CDCR is committed to supporting Small/Micro Business participation in state contracting and seeks to use certified Small/Micro Businesses whenever possible.

A Small/Micro Business enterprise is defined as a business certified by the Department of General Services (DGS), Office of Small Business and Disabled Veteran Business Enterprise Certification Services (OSDS) in which:

1. The principal office is located in California
2. The officers are domiciled in California
3. The business is independently owned and operated
4. The business, with any affiliates, is not dominant in its field of operation; and
 - a. For Small Business, either:
 - (1) The business, together with any affiliates, has 100 or fewer employees and averaged annual gross receipts of \$14,000,000 or less over the previous three years, or
 - (2) The business is a manufacturer with 100 or fewer employees
 - b. For Micro Business, either:
 - (1) The business, together with any affiliates, has 25 or fewer employees and averaged annual gross receipts of \$3,500,000 or less over the previous three years, or
 - (2) The business is a manufacturer with 25 or fewer employees.

Section 14835, et seq., of the California Government Code requires that a five percent (5%) preference be given to bidders who certify as a Small/Micro Business enterprise. The rules and regulations of this law are contained in Title 2, California Code of Regulations, Section 1896, et seq. A copy of the regulation is available upon request.

To claim the Small/Micro Business preference, which may not exceed \$50,000 for any bid, your firm must:

1. Have a completed application (including proof of annual receipts) on file with the DGS, OSDS, by 5:00 p.m. on the date bids are due, and
2. Receipt of documents verified by such office.

Therefore, if you are a Small/Micro Business, but are not certified, it is to your advantage to become certified. For certification and preference approval process information, contact the OSDS by telephone at (916) 375-4940 or access the [OSDS Internet website](#) found in this link.

XX. NON-SMALL BUSINESS PREFERENCE REQUEST

Pursuant to Title 2, CCR Section § 1896, et seq., and GC Section § 14838, et seq., a bid preference of five percent (5%) is available to a responsive non-small business claiming no less than twenty-five percent (25%), Small Business/Micro Business (SB/MB) subcontractor participation with one or more SB/MB enterprises. This preference is considered only if the tentative low bidder is not a certified SB/MB.

In granting the Non-Small Business Preference, no bid price will be reduced by more than \$50,000. This preference cost adjustment is for bid evaluation purposes only and does not alter the actual cost offered by the bidder.

A non-small business is defined as a responsive/responsible bidder that is not certified by the DGS OSDS as a SB/MB enterprise.

To be eligible for the non-small business preference, the business prime vendor must complete and submit the Non-Small Business Preference Request and Subcontractor Acknowledgement form (OBS 555) with their bid proposal.

XXI. NONPROFIT VETERAN SERVICE AGENCY (NVSA) SMALL BUSINESS PREFERENCE

Pursuant to Military and Veteran Code Section 999.50 et seq., Nonprofit Veteran Service Agencies (NVSAs) claiming Small/Micro Business preference and verified as such in the relevant category or business type, will be granted a preference of five percent (5%) of the lowest responsive bid, if the lowest responsive bid is submitted by a bidder not certified as a Small/Micro Business.

In granting Small/Micro Business preference to NVSAs, no bid will be reduced by more than \$50,000. The preference cost adjustment is for computation purposes only and does not alter the actual cost offered by the bidder.

To be eligible for the NVSA Small/Micro Business Preference, the business concern must:

1. request preference at the time of bid submission, and
2. must possess a valid certification prior to bid submission.

An SB/NVSA is not subject to the same standards as other certified Small/Micro businesses. SB/NVSA standards are identified in Military and Veterans Code Section 999.51(a) (3).

**XXII. TARGET AREA CONTRACT PREFERENCE ACT (TACPA)
ENTERPRISE ZONE ACT (EZA)
LOCAL AGENCY MILITARY BASE RECOVERY AREA (LAMBRA)**

If this Agreement is for goods or services in excess of \$100,000, and the worksite is not fixed by the terms of this Agreement (e.g., services will not be performed at an institution or other specific work site determined by CDCR), preference shall be granted to California-based bidders if they meet the requirements specified in Title 2, California Code of Regulations, Section 1896.30 et seq., for the Target Area Contract Preference Act (TACPA), Government Code (GC) Section 7084 for the Enterprise Zone Act (EZA), and GC Section 7118 for the Local Agency Military Base Recovery Area (LAMBRA) Act. Bidders seeking these preferences must submit completed Standard Form(s) (STD 830, STD 831 and/or STD 832) and DGS/PD Form 526 with their bid proposal. Please note that the DGS/PD 526 Bidder's Summary must be completed and signed by the bidder for each requested preference. As explained in the Standard Forms, the bidder is allowed bidding preferences for each program (TACPA, EZA, LAMBRA, and Small/Micro business) the bidder is qualified for and may receive a combined preference up to fifteen percent (15%) or \$100,000, whichever is less. The preferences do not alter the amount of the resulting Agreement and are used for bid evaluation purposes only.

NOTE: FAILURE TO SUBMIT THE TACPA, EZA, AND/OR LAMBRA FORMS WITH YOUR BID PROPOSAL WILL RESULT IN THE DENIAL OF THE PREFERENCE(S).

XXIII. IDENTIFICATION OF CONTRACTORS, SUBCONTRACTORS, CONSULTANTS: SMALL/MICRO BUSINESS AND DVBEs

CDCR must identify all contractors, subcontractors, and consultants who will provide labor or render services in the performance of this Agreement and further identify whether any of the listed subcontractors and consultants are a certified Small/Micro business, or a certified DVBE. Therefore, the bidder must complete a Bidder Declaration (GSPD-05-105). If any changes occur in the submitted original GSPD-05-105, the Contractor shall notify the Office of Business Services (OBS), in writing within ten (10) working days of those changes, including any changes to Small/Micro business or DVBE status.

CDCR asks that you encourage any subcontractor(s) and/or consultant(s) not currently certified as a Small/Micro business or DVBE that may meet the certification requirements specified herein to become certified through the DGS, OSDS. Please provide those subcontractor(s)/consultant(s) the OSDS contact and certification information provided above.

If you are a certified Small/Micro business enterprise and fail to complete the Prime Contractor information of the CDCR Bidder Acknowledgement/Certification form (OBS 300), your business shall be classified as a large business, which will preclude your bid from receiving the five percent (5%) Small/Micro business preference and can cause incorrect reporting of Small/Micro business and large business participation by CDCR.

If you are a certified DVBE and fail to specify that information on the CDCR Bidder Acknowledgement/Certification form, (OBS 300) your business shall be classified as a large business, which will preclude your bid from receiving any range of the DVBE incentive and cause incorrect reporting of DVBE participation by CDCR.

XXIV. BIDDER PROVIDING FACILITY(IES)

Bidders providing facility(ies) for their services must specify the complete address(es) of the facility(ies) where the services will be performed in the appropriate section on the Bidder Acknowledgement/Certification form (OBS 300) in the spaces provided.

The bidder hereby authorizes the State to insert the bidder's facility(ies) as listed in the CDCR Bidder Acknowledgement/Certification form (OBS 300) into the contract Exhibit A Scope of Work.

Enclosures